

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NCN COMMUNICATIONS, INC.)	
AS A RESELLER OF TELECOMMUNICATIONS) CASE NO. 90-099
SERVICES WITHIN THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

IT IS ORDERED that NCN Communications, Inc. ("NCN") shall file the original and 10 copies of the following information with the Commission within 20 days from the date of this Order, with a copy to all parties of record. If the information cannot be provided by this date, a motion for an extension of time must be submitted stating the reason for the delay and the date by which the information can be furnished. Such motion will be considered by the Commission.

1. The response to Item 8 of the July 5, 1990 Order indicates that a contract between NCN and Allnet Communications Services, Inc. is available upon request. Provide a copy of this contract.

2. A copy of the contract between MCI Telecommunications Corporation ("MCI") and NCN was provided in response to Item 8. A review of the Commission's records has failed to reveal either a special contract or tariff that would permit MCI to provide this service in Kentucky. MCI has an intrastate tariff, Section B.6.03, for a service referred to as "Corporate Account Billing"; however, as this tariff states "[e]ach sub-account will be deemed

to be a customer of MCI, and will be billed separately for its MCI service and will be responsible for payments to MCI" it is clearly not the same service described in the contract. As resellers must resell only tariffed, intrastate services provided by certified carriers, provide clarification. For example, is it NCN's understanding that MCI will file a special contract or tariff modification prior to making the service available to NCN for intrastate resale purposes?

3. Item 8 also asked the following: "Does NCN plan to charge any rates not contained in the rates of such national carriers?" NCN provided no response to this question in its August 6, 1990 filing. Provide a response to the original question.

4. Explain fully why NCN's marketing practices are not in violation of KRS 367.830 - KRS 367.834. Provide copies of all correspondence you have received from the Attorney General of Kentucky, Consumer Protection Division, and your responses thereto.

Done at Frankfort, Kentucky, this 1st day of October, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director